IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 25TH AUGUST 2006 / 3RD BHADRA 1928

Bail Appl..No. 5248 of 2006

CRIME NO.199/2006 HEMAMBIKA NAGAR POLICE STATION

APPLICANTS/ACCUSED NOS.2 TO 5

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1. MAYAPPAN, S/O.KUNJUVELLA,
   COOLIE WORKER, PULIKODE HOUSE,
   MUTTIKULANGARA, PALAKKAD.

2. PARVATHY,
   W/O.MAYAPPAN, PULIKODE HOUSE, MUTTIKULANGARA,
   PALAKKAD.

3. ANILKUMAR,
   S/O.MAYAPPAN, PULIKODE HOUSE,
   MUTTIKULANGARA, PALAKKAD.

4. SMITHA, D/O.MAYAPPAN,
   PULIKODE HOUSE, MUTTIKULANGARA, PALAKKAD.

BY ADV. SRI.P.VIJAYA BHANU
SMT.P.MAYA

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING C.I. OF POLICE,
HEMABIKA NAGAR POLICE STATION.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/08/2006, ALONG WITH B.A.NO.5257/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 5248/2006 & 5257/2006

DATED THIS THE 25TH DAY OF AUGUST, 2006

O R D E R

The petitioners 1 to 4 are before this Court under Section 438 Cr.P.C., as they apprehend arrest in crime No.199/2006 of Hemambika Nagar Police Station in Palakkad District. B.A.No.5257/2006 is preferred by the first accused, in the very same crime, who is the husband of the deceased, Syama.

2. When the application came up for consideration, the learned Public Prosecutor submitted that the second petitioner, Parvathy, is the second accused in the crime, apart from Kannappan, the first accused, who is the petitioner in B.A.No.5257/2006 and the petitioners in B.A.No.5248/2006 had been deleted from the array of accused.

3. I heard the submissions made by either side. The offence alleged is under Section 306 IPC read with Section 34 IPC. Section 498A had been deleted by the

Investigating Officer.

4. After considering the materials on record, and hearing both sides, I direct the second petitioner, Parvathy, who is the second accused in crime No.199/2006, to surrender before the Investigating Officer of Hemambika Nagar Police Station, on 1.9.2006 between 10.30 a.m and 11.00 a.m.

5. The Investigating Officer shall interrogate the petitioner in the presence of a woman police officer and produce her before the Court below, as per the law.

6. The learned Magistrate shall allow the petitioner to be on bail, imposing such conditions, as are deemed necessary, so that the petitioner would be available before that Court, for facing the trial.

7. I grant bail and release the first accused, the petitioner in B.A.No.5257/2006, from jail subject, to the following conditions:-

(a). The petitioner, the first accused, shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the

like sum, to the satisfaction of the Judicial Magistrate of First Class-III, Palakkad.

(b). The petitioner shall report before the Investigating Officer, once in a week on every Thursday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 31.8.2006.

(c). The petitioner shall not leave the State of Kerala, until the final trial and disposal of the Sessions Case.

Both the applications are disposed of accordingly.

J.M.JAMES
JUDGE

mrcs